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09/998,402	11/15/2001	Kenneth Ray Banning	AUS920010774US1	7296

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EXAMINER
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HENNING, MATTHEW T

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/998,402

Applicant(s)

BANNING ET AL.

Examiner

Matthew T. Henning

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3-7, 10-14 and 17-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 3-7, 10-14 and 17-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1 This action is in response to the communication filed on 5/24/2005.

2 *Response to Arguments*

3 Applicant's arguments filed 5/24/2005 have been fully considered but they are not  
4 persuasive. Applicant argues primarily that:

5 i. Mizoguchi does not teach a relationship between the icons selected on the  
6 password document and the sequence of password documents that are presented to the user.

7 ii. Mizoguchi does not teach a relationship between the graphical icons selected on  
8 each of a series of documents and the ordering of those documents.

9 iii. Mizoguchi does not teach the links being html links.

10 iv. Mizoguchi does not teach detecting the users selection by comparing the sequence  
11 of visited web pages with a predetermined sequence.

12 Regarding the applicants' argument i., that Mizoguchi does not teach a relationship  
13 between the icons selected on the password document and the sequence of password documents  
14 that are presented to the user

15 In response to applicant's argument, i., and ii., that the references fail to show certain  
16 features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a  
17 relationship between the icons selected on the password document and the sequence of password  
18 documents that are presented to the user; a relationship between the graphical icons selected on  
19 each of a series of documents and the ordering of those documents) are not recited in the rejected  
20 claim(s). Although the claims are interpreted in light of the specification, limitations from the  
21 specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26  
22 USPQ2d 1057 (Fed. Cir. 1993). Although the claims recite that selecting the appropriate icon

1 produces a corresponding sequence of documents, the claims do not state that selecting incorrect  
2 icons does not produce the same sequence of documents, nor do they recite that the ordering of  
3 the documents presented depends on the particular icons selected in each document. As such,  
4 the examiner does not find the argument persuasive and has maintained the rejection of the  
5 independent claims.

6 Applicant's arguments, iii., and iv., with respect to claims 22-27 have been considered but  
7 are moot in view of the new ground(s) of rejection necessitated by the addition of these new  
8 limitations.

#### 9 **DETAILED ACTION**

10 Claims 3-7, 10-14, and 17-27 have been examined and claims 1-2, 8-9, and 15-16 have  
11 been cancelled.

12 All objections and rejections not set forth below have been withdrawn.

#### 13 ***Drawings***

14 The drawings are objected to under 37 CFR 1.83(a). The drawings must show every  
15 feature of the invention specified in the claims. Therefore, the detecting a user's selection by  
16 comparing a sequence of web pages visited with a predetermined sequence of web pages must be  
17 shown or the feature(s) canceled from the claim(s). No new matter should be entered.

18 Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to  
19 the Office action to avoid abandonment of the application. Any amended replacement drawing  
20 sheet should include all of the figures appearing on the immediate prior version of the sheet,  
21 even if only one figure is being amended. The figure or figure number of an amended drawing  
22 should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

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1 must be removed from the replacement sheet, and where necessary, the remaining figures must  
2 be renumbered and appropriate changes made to the brief description of the several views of the  
3 drawings for consistency. Additional replacement sheets may be necessary to show the  
4 renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an  
5 application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"  
6 pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will  
7 be notified and informed of any required corrective action in the next Office action. The  
8 objection to the drawings will not be held in abeyance.

### 9 *Specification*

10 The specification is objected to as failing to provide proper antecedent basis for the  
11 claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the  
12 following is required: Claims 23, 25, and 27 recite the limitation "wherein detecting a user's  
13 selection comprises comparing a sequence of web pages visited to a previously determined  
14 sequence of web pages", which has not been previously disclosed. See the rejection of claims  
15 23, 25, and 27 under 35 USC 112 1<sup>st</sup> Paragraph below.

### 16 *Claim Rejections - 35 USC § 112*

17 The following is a quotation of the first paragraph of 35 U.S.C. 112:

18 The specification shall contain a written description of the invention, and of the manner and process of making  
19 and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it  
20 pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode  
21 contemplated by the inventor of carrying out his invention.  
22

23 Claims 23, 25, and 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to  
24 comply with the written description requirement. The claim(s) contains subject matter which  
25 was not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. 23, 25, and 27 recite the limitation “wherein detecting a user’s selection comprises comparing a sequence of web pages visited to a previously determined sequence of web pages”, which has not been disclosed in the specification. Page 9 of the communication dated 5/24/2005 recites that “support for this claim language is found in the specification as filed in the paragraph beginning on page 6, line 16”, which is quoted as follows,

*Each of the icons may be associated with an HTML link to a corresponding page in the sequence of documents. As the user selects an icon 201 from each screen 200, the user generates a sequence of web pages visited. The URL server may then compare the sequence of web pages visited against a previously determined sequence of web pages to determine if the user is granted access to the restricted information. If the sequence entered by the user matches the previously determined sequence, the server grants the user access to the confidential or restricted information typically without regard to other information associated with the client such as the client ID.*

Although this paragraph does recite comparing the web page sequences, it is not part of the detecting a user’s selection, but instead is part of determining if the user is granted access. As such, it unclear whether the applicants did in fact posses the invention with this particular limitation. Therefore, claims 23, 25, and 27 are rejected for failing to meet the written description requirement of 35 USC 112 1<sup>st</sup> Paragraph.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an*

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1 *application filed in the United States only if the international application designated the United*  
2 *States and was published under Article 21(2) of such treaty in the English language.*  
3

4 Claims 3-6, 10-13, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by  
5 Mizoguchi et al. (US Patent Application Publication Number 2004/0030934) hereinafter referred  
6 to as Mizoguchi.

7 Regarding claim 3, Mizoguchi disclosed a method, system, and computer readable media  
8 for authorizing access to restricted information on a data processing network (See Mizoguchi  
9 Abstract and Claims), comprising: responsive to receiving a request for a document, determining  
10 whether access to the document is restricted (See Mizoguchi Paragraph 0026 wherein it was  
11 inherent that a determination that the accessed site was password protected in order for the client  
12 machine to have initiated the password routine); responsive to determining that access to the  
13 requested document is restricted, providing at least one password document comprising a  
14 plurality of icons to a user for selection by the user (See Mizoguchi Paragraph 0026 and Figure 4  
15 Element 4); detecting a user's selection of one or more icons from the at least one password  
16 documents and, based thereon, determining the user's authority to access the requested  
17 documents (See Mizoguchi Paragraphs 0041-0042), wherein providing a series of password  
18 documents to the user, each password document comprising a plurality of icons and prompting  
19 the user to select one of the icons from each of the password documents (See Mizoguchi  
20 Paragraph 0041) and wherein a correct icon on each password document comprises a link to a  
21 next password document such that selecting an appropriate sequence of icons produces a  
22 corresponding sequence of documents (See Mizoguchi Paragraph 0041 Lines 9-16).

1           Regarding claim 10, Mizoguchi disclosed a computer program product comprising a set  
2 of computer executable instructions for authorizing access to restricted information on a data  
3 processing network, the instructions stored on a computer readable medium (See Mizoguchi  
4 Abstract and Claims), comprising: computer code means for determining whether access to the  
5 document is restricted responsive to receiving a request for a document (See Mizoguchi  
6 Paragraph 0026 wherein it was inherent that a determination that the accessed site was password  
7 protected in order for the client machine to have initiated the password routine); computer code  
8 means responsive to determining that access to the requested document is restricted, providing at  
9 least one password document comprising a plurality of icons to a user for selection by the user  
10 (See Mizoguchi Paragraph 0026 and Figure 4 Element 4); computer code means for detecting a  
11 user's selection of one or more icons from the at least one password documents and, based  
12 thereon, determining the user's authority to access the requested documents (See Mizoguchi  
13 Paragraphs 0041-0042), wherein computer code means for providing at least on password  
14 document comprises code means for providing a series of password documents to the user, each  
15 password document comprising a plurality of icons and prompting the user to select one of the  
16 icons from each of the password documents (See Mizoguchi Paragraph 0041) and wherein a  
17 correct icon on each password document comprises a link to a next password document such that  
18 selecting an appropriate sequence of icons produces a corresponding sequence of documents  
19 (See Mizoguchi Paragraph 0041 Lines 9-16).

20           Regarding claim 17, Mizoguchi disclosed a data processing system including processor,  
21 memory and input means connected via a bus, the memory containing at least a portion of a  
22 computer program product comprising a set of computer executable instructions for authorizing



1 access to restricted information on a data processing network (See Mizoguchi Abstract, Fig. 1  
2 and corresponding text and Claims), comprising: computer code means for determining whether  
3 access to the document is restricted responsive to receiving a request for a document (See  
4 Mizoguchi Paragraph 0026 wherein it was inherent that a determination that the accessed site  
5 was password protected in order for the client machine to have initiated the password routine);  
6 computer code means responsive to determining that access to the requested document is  
7 restricted, providing at least one password document comprising a plurality of icons to a user for  
8 selection by the user (See Mizoguchi Paragraph 0026 and Figure 4 Element 4); computer code  
9 means for detecting a user's selection of one or more icons from the at least one password  
10 documents and, based thereon, determining the user's authority to access the requested  
11 documents (See Mizoguchi Paragraphs 0041-0042), wherein computer code means for providing  
12 at least on password document comprises code means for providing a series of password  
13 documents to the user, each password document comprising a plurality of icons and prompting  
14 the user to select one of the icons from each of the password documents (See Mizoguchi  
15 Paragraph 0041) and wherein a correct icon on each password document comprises a link to a  
16 next password document such that selecting an appropriate sequence of icons produces a  
17 corresponding sequence of documents (See Mizoguchi Paragraph 0041 Lines 9-16).

18       Regarding claims 4, 11, and 18, Mizoguchi disclosed determining the user's authority to  
19 access a requested document comprises comparing the sequence of selected icons to a previously  
20 stored sequence and granting authority if the selected sequence matches the previously stored  
21 sequence (See Mizoguchi Paragraph 0042).

Regarding claim 5, 12, and 19, Mizoguchi disclosed reading user identification information provided with the request and determining authority to access the requested document based on the selected icons and the user identification information (See Mizoguchi Paragraph 0042).

Regarding claims 6, 13, and 20, Mizoguchi disclosed that the user identification information is provided as a cookie portion of the request (See Mizoguchi Paragraph 0042 Lines 7-16).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

Claims 7, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizoguchi as applied to claims 5, 14, and 21 above, and further in view of Taylor (US Patent Number 6,209,004).

Mizoguchi disclosed a system for authenticating an access to a secured object through the use of graphical passwords (See Mizoguchi Paragraphs 0031 and 0041-0042), but failed to disclose the system providing read-only access to the object.

1 Taylor teaches that passwords can be used to provide varying degrees of access to  
2 documents, including read-only access, depending on the password (See Taylor Col. 4 Paragraph  
3 2).

4 It would have been obvious to the ordinary person skilled in the art at the time of  
5 invention to employ the teachings of Taylor in the password system of Mizoguchi by providing  
6 varying levels of access privileges depending on the provided password. This would have been  
7 obvious because the ordinary person would have been motivated to provide enhanced methods  
8 and systems for providing more efficient electronic transfer of documents and other electronic  
9 files between computers.

10 Claims 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizoguchi  
11 as applied to claims 3, 10, and 17 above, and further in view of Microsoft Press Computer  
12 Dictionary Third Edition, hereinafter referred to as Microsoft.

13 Regarding claims 22, 24, and 26, Mizoguchi disclosed that in order to bring up the next  
14 image array, the user clicks on image (See Mizoguchi Paragraph 0035) but Mizoguchi failed to  
15 disclose how this was accomplished, or more specifically that this was accomplished using html  
16 links.

17 Microsoft teaches that hyperlinks, or HTML links, provide a connection between an  
18 image and another document, and that the user activates the link by clicking on the linked  
19 element (See Microsoft Page 240 Definition of a "hyperlink").

20 It would have been obvious to the ordinary person skilled in the art at the time of  
21 invention to employ the teachings of Microsoft in the graphical password system of Mizoguchi  
22 by utilizing HTML links in the images in order to bring up the next image array. This would

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1 have been obvious because the ordinary person skilled in the art at the time of invention would  
2 have been motivated to provide the required functionality of clicking an image to bring up a new  
3 document in a manner that was common in the art.

4 Regarding claims 23, 25, and 27, the combination of Mizoguchi and Microsoft disclosed  
5 that detecting a user's selection comprises comparing a sequence of web pages visited to a  
6 previously determined sequence of web pages (See Mizoguchi 0042 and Fig. 4).

7 Claims 23, 25, and 27 are further rejected under 35 U.S.C. 103(a) as being unpatentable  
8 over the combination of Mizoguchi and Microsoft as applied to claims 22, 24, and 26 above, and  
9 further in view of McAuley (US Patent Number 6,826,744).

10 Mizoguchi and Microsoft disclosed determining the users selection (See Mizoguchi  
11 Paragraph 0041), but failed to disclose customizing web pages based on the user web page  
12 history.

13 McAuley teaches that web sites can be customized for users based on the user's history  
14 (See McAuley Col. 5 Lines 18-31).

15 It would have been obvious to the ordinary person skilled in the art at the time of  
16 invention to employ the teachings of McAuley in the web system of Mizoguchi and Microsoft by  
17 customizing the web pages based on the user's history. This would have been obvious because  
18 the ordinary person skilled in the art would have been motivated to tailor the web page to the  
19 user's specific needs.

### 20 *Conclusion*

21 Claims 3-7, 10-14, 17-21, and 22-27 have been rejected.

1           The prior art made of record and not relied upon is considered pertinent to applicant's  
2 disclosure.

3           Elledge (US Patent Number 6,192,478) disclosed an authentication system in which a  
4 user selects key features of an ornamental image instead of entering a password.

5           Boroditsky et al. (US Patent Number 6,327,659) disclosed an authentication system in  
6 which a user selects a portion of a document, and then a portion of another document, and so on  
7 in order to prove oneself instead of a password.

8           Kashima (US Patent Number 6,718,471) disclosed a system in which a user selects one  
9 portion from each of a number of images and is authenticated based on the selections.

10          Applicant's amendment necessitated the new ground(s) of rejection presented in this  
11 Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).  
12 Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13          A shortened statutory period for reply to this final action is set to expire **THREE**  
14 **MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**  
15 **MONTHS** of the mailing date of this final action and the advisory action is not mailed until after  
16 the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period  
17 will expire on the date the advisory action is mailed, and any extension fee pursuant to 37  
18 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,  
19 however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this  
20 final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Matthew Henning  
Assistant Examiner  
Art Unit 2131  
7/28/2005

  
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